

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this Amendment, Claims 30, 32, 33, 37, and 40-42 have been canceled without prejudice or disclaimer. Claim 27 has been amended to include features originally recited in Claim 30; Claim 34 has been amended to include features originally recited in Claim 37; and Claim 39 has been amended to include features originally recited in Claims 41 and 42.

Accordingly, favorable consideration of Claims 1-29, 31, 34-36, 38, and 39 is respectfully requested.

### **THE OBJECTIONS TO THE DRAWINGS**

The Applicant respectfully traverses the objections to the drawings under 37 CFR §1.83(a). In particular, the Applicant disagrees that the drawings do not show the following claimed features, as objected to in the Office Action: “compressing a presentation timeline,” “omitting selected frames,” “altering each media stream of the plurality,” and “out of synchronization message.” These features are shown in the drawings and described in the specification of the present application in at least the following instances:

“compressing a presentation timeline”: Fig. 4, pages 17-18 with regard to the step to determine effective time modification factor 136 and modify presentation timeline according to new modification factor 146;

“omitting selected frames”: Fig. 3, page 16, lines 4-16 with regard to the description of audio timeline modification component 110 and video timeline modification component 111;

“altering each media stream of the plurality”: Fig. 4, page 19 with regard to step 138 for altering the presentation timeline of one of the media streams according to the time modification factor determined in step 136; and

“out of synchronization message”: Fig. 6, page 24 with regard to receiving “out of global synchronization” indication.

It is respectfully submitted that the claimed features at issue are sufficiently disclosed and illustrated in at least the instances noted above, and therefore the objection to the drawings under 37 CFR §1.83(a) should be withdrawn.

The Applicant further disagrees with the assertion that Figures 1 and 2 should be designated by a legend such as “Prior Art” because “only that which is old is illustrated.” On page 5, lines 8 and 9 of the present application, it is stated that, “Fig. 1 shows a client/server network system and environment in accordance with one embodiment of the invention,” and on page 8, lines 18 and 19, it is further stated that, “Fig. 2 shows a general example of a computer 20 that can be used as a network node or host in accordance with the invention.” Thus, Figures 1 and 2 are related to example embodiments, and do not need to be labeled as being “prior art.” The Applicant requests that this objection also be withdrawn.

### **THE REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 10, 11, 25, and 26 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. In particular, the claims have been rejected because, as the rejection states, “It is unclear as to why when the stream has been resynchronized it is then altered to become re-unsynchronized, which when detected to be unsynchronized would then be resynchronized in an infinite loop.”

The Applicant respectfully traverses this rejection, and requests that this rejection be reconsidered and withdrawn because none of the presently rejected claims include reference to a stream, “which when detected to be unsynchronized would then be resynchronized in an infinite loop,” as asserted in the rejection. As a result, the rejection does not include any particular objections to any of the claims’ terminology, clarity and precision of the claims, consistency between the claims and specification/disclosure, or breadth per the standards of MPEP §§2173.01-2173.05. Therefore, insofar as the rejection is understood by the Applicant, it is respectfully submitted that the rejection is not based upon any language recited in any of the rejected claims, and thus the rejection should be withdrawn.

### **THE REJECTION UNDER 35 U.S.C. §102(e)**

Claims 1, 2, 7-13, 17-20, and 25-42 were rejected under 35 U.S.C. §102(e) as being anticipated by Ogdon, et al. (U.S. Patent 6,161,137; hereafter “Ogdon”). The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

As set forth in MPEP §2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In view of this standard, it is respectfully submitted that Ogdon does not anticipate any of Claims 1, 2, 7-13, 17-20, 25, 26, and 38.

That is, independent Claim 1 recites a method for use in a client computer, while Ogdon describes, “In particular, one or more presentation controlling network connected nodes (each hereinafter also denoted as a ‘host node’) is provided for transmitting presentation controlling commands to the client nodes...” (Ogdon, col. 3, lines 30-34; emphasis added by Applicant). Similarly, the apparatus of independent Claim 13 includes a receiving component to receive plural media streams from a server computer in a network system; independent Claim 17 recites a computer-readable storage medium containing a program for resynchronizing a media stream, the program having instructions that are executable by a network client; and Claim 38 recites, in part, “the network clients each including a synchronizing component to determine if one of the individual media streams is out of synchronization with a corresponding media stream at another of the plurality of network clients...” Thus, the Applicant submits that Ogdon fails to anticipate any of independent Claims 1, 13, 17 and 38, as well as the corresponding claims from among dependent Claims 2, 6-12, 18-20, 25, and 26 since the reference describes actions taken by only a host node, and does not expressly or inherently describe a method or executable instructions for a network client, as recited within the aforementioned claims.

Independent Claims 27 and 39 recite methods for use in a server computer of a network, and, independent Claim 34 recites a computer-readable storage medium containing a program for resynchronizing a media stream, the program having instructions that are executable by a network server.

Claims 27 and 34 have been amended to recite some of the features originally recited in canceled Claims 30 and 37, respectively. Claims 30 and 37 were rejected in view of Ogdon's description at col. 3, lines 24-63, with the rejection referencing "real time version detection." However, the cited portion of Ogdon does not describe any "real time version detection" by the host node.

Rather, the description lists

"an aspect of the present invention to dynamically and adaptively switch between content web-servers and/or versions of the presentation according to network transmission characteristics at each client network node so that the clients at the client nodes have presented to them simultaneously, synchronously and in real time, corresponding (in content) segments of the presentation."(col. 3, lines 38-44).

That is, the reference only refers to real time presentation being an aspect of the switching between content web-servers and versions of the presentation. Nowhere in the cited portion does Ogdon describe the real time presentation being a cause, effect, or part of "identifying when the media stream has been resynchronized," as recited originally in Claim 30 and 37 and, presently, in Claims 27 and 34.

Similarly, Claim 39 was rejected in view of Ogdon's description at col. 3, lines 30-63, with the rejection referencing "dynamically and adaptively transmitting for synchronous, real-time presentation stream between clients." As

set forth above with regard to Claims 30 and 37, nowhere in the cited portion does Ogdon describe the real time presentation being associated with “identifying when the media stream has become globally unsynchronized,” as recited in Claim 39, both as originally filed and as currently amended.

Therefore, for at least the reasons set forth above, it is respectfully submitted that the Ogdon does not anticipate the rejected claims, and therefore the rejection under 35 U.S.C. §102(e) should be withdrawn.

**THE REJECTION UNDER 35 U.S.C. §103(a)**

Claims 3-6, 14-16, and 21-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ogdon in view of Carmel et al. (U.S. Patent 6,397,230; hereafter “Carmel”). The Applicant respectfully traverses this rejection as well, and further requests that this rejection also be reconsidered and withdrawn.

Claims 3, 14, and 21 depend from Claims 1, 13, and 17, respectively, which have been distinguished from Ogdon for at least the reasons set forth above regarding the rejection under 35 U.S.C. §102. Those arguments are applicable to the traversal of the present rejection, as well.

It is respectfully submitted that Carmel does not compensate for the deficiencies of Ogdon with regard to Claims 1, 13, and 17, nor has that argument been made in the rejection. That is, with respect to Claims 1, 13, and 17, and therefore Claims 3, 14, and 21 as well, neither Ogdon nor Carmel teach or even suggest a method, apparatus, or executable instructions corresponding to a network client.

Similarly, Claim 4-6 depend from Claim 1, Claims 15 and 16 depend from Claim 13, and Claims 22-24 depend from Claim 17; and therefore Claims 4-6, 15, 16, and 22-24 are distinguishable over the proposed combination of Ogdon and Carmel for the reasons set forth above regarding Claims 1, 13, and 17. Carmel does not compensate for the deficiencies of Ogdon with respect to the independent claims, nor have any arguments to that effect been advanced in the rejection. Therefore, for the reasons set forth above, it is respectfully submitted that the outstanding rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

#### CONCLUSION

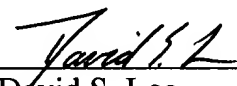
The remaining references of record have been considered. It is respectfully submitted that they do not compensate for the deficiencies of any of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

Lee & Hayes, PLLC

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